

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)
3 Chief, Criminal Division

4 ANDREW M. SCOBLE (CABN 124940)
5 Assistant United States Attorney

6 450 Golden Gate Avenue, Box 36055
7 San Francisco, California 94102-3495
Telephone: (415) 436-7249
FAX: (415) 436-7234
andrew.scoble@usdoj.gov

8 Attorneys for the United States of America

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA) CASE NO. CR 12-0628 RS
14 v.)
15 CURTIS LEE JOHNSON, JR.,) [PROPOSED] ORDER EXCLUDING TIME
16 Defendant.)
17)
18 _____)

19
20 [PROPOSED] ORDER EXCLUDING TIME

21 The parties appeared before the Court on April 15, 2014. Defendant Curtis Lee Johnson, Jr.
22 appeared in custody, represented by Betsy Wolkin, Esq., who was appearing specially for defense
23 counsel Michael Gaines, Esq. Assistant U.S. Attorney Andrew Scoble appeared on behalf of the
24 government.

25 The parties informed the Court that defense counsel Michael Gaines is currently involved in a
26 lengthy, multi-defendant murder trial in state court and is thus unavailable to appear on the days of the
27 Court's regularly scheduled criminal calendar. The parties reported that they believe they have arrived
28 at a plea agreement in this case, and therefore they requested that the case be specially set on May 9,

1 2014 at 1:30 p.m. for change of plea. The parties further agreed in open Court that the time from April
2 15, 2014 through and including May 9, 2014 should be excluded from the otherwise applicable Speedy
3 Trial Act calculation, because Mr. Curtis's counsel is currently unable to prepare effectively for further
4 proceedings in the above-entitled case; and failure to grant the requested continuance would
5 unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

7 Accordingly, based upon the parties' representations, and for good cause appearing, THE
8 COURT FINDS THAT the ends of justice served by granting a continuance from April 15, 2014
9 through and including May 9, 2014 outweigh the best interests of the public and the defendant in a
10 speedy trial. THE COURT FURTHER FINDS THAT failure to grant the requested continuance would
11 unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into
12 account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

13 THE COURT ORDERS THAT:

14 1. This case is continued to May 9, 2014 at 1:30 p.m. for change of plea. The parties should
15 provide the Court with a copy of the proposed written plea agreement no later than noon on May 8,
16 2014.

17 2. The period from April 15, 2014 through and including May 9, 2014 is excluded from the
18 otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

19 IT IS SO ORDERED.

20 DATED: 4/15/14


HON. RICHARD SEEBORO
UNITED STATES DISTRICT JUDGE